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European Patent Office
Patentlaan 2
NL- RIJSWIJK

P.O. BOX 18558, NL-2502 EN THE HAGUE, May 25, 2005

Our ref.: P/2BE26/SB/173.PCT

Your ref.: - -

Re: International patent application PCT/EP04/007840
Name: Impress Group B.V.
Term: Chapter II: May 29, 2005

With respect to the above-identified international patent application I herewith file the Demand under Article 31 PCT together with a fee calculation sheet.

Furthermore I request a detailed preliminary examination.

In relation to the captioned PCT patent application and in relation to the Demand filed I herewith file a new set of claims which should be made subject of the preliminary examination.

This new set of claims has been drafted in view of the objections raised in the Written Opinion of 1 December 2004. The new claim 1 is a combination of the original claims 1, 2 and 4. Furthermore, it is indicated in the new claim 1 that the number of support elements is at least three.

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IAP9 Rec'd PCT/PTO 26 JAN 2006

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The Hague, May 25, 2005

2.

Furthermore, a new claim 2 is included in which it is indicated that the bulges protrude not only beyond the bottom plane but also beyond the peripheral wall. In claim 3 the support element is made plural into support elements.

Finally, a new claim 7 is included which relates to the feature that the bottom and the peripheral wall which are integral are connected via a rounded off corner portion.

This feature is directly and unambiguously derivable from all figures and from the description in which it is indicated that the containers may be produced by deep drawing from a metal plate (page 2, lines 25 and 26).

Accordingly, it appears that the present set of claims comprises subject matter derivable from the original PCT patent application.

Claim 1 is novel over D1 in particular over de embodiment illustrated in the figures 60-69. D1 discloses a container of which the support elements have been formed in a bent over skirt which protrudes beyond the bottom plane of the container (see figure 58). The container disclosed in D1 is in essence a double walled container.

The container according to the present claim 1 differs from the container of D1 in that the support elements have the form of a bulge and are formed in the bottom and in the side wall and protrude beyond the bottom plane.

This results in a container which has a far more simple construction and which is far more easy to produce.

D2 (FR-2 662 422) discloses a container which has a container body and a container bottom as separate elements which are connected to one another via a curled rim.

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3.

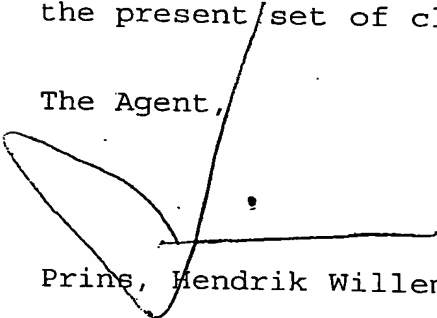
This curled rim extends beyond the bottom plane of the bottom part of this known container.

Finally, WO 02/060768 discloses a foodstuff container which has a bottom and a peripheral wall integral with the bottom connected to one another via a rounded off corner portion. This known container is not provided with support elements.

Accordingly, faced with the problem in the art in improving the construction of the food container according to D1 or D2, the skilled person is not suggested or taught that such support elements could be formed in the form of a bulge in the rounded off corner portion of the container.

Accordingly, the position is taken that the subject matter of the present set of claims is patentable over de cited art.

The Agent,



Prins, Hendrik Willem

Encls.: - demand
- fee calculation sheet
- new set of claims

S/2BE26/SB/173.PCT

NEW SET OF CLAIMS

1. Container for containing foodstuff, which
container comprises:

- a bottom;
- a peripheral wall integral with the bottom and
5 extending upwardly from the bottom and defining a mouth
opening;
- a closing foil arranged onto the mouth opening;
- at least one support element arranged on the bottom
at a position corresponding to the edge of the mouth opening,
10 such that in a stacked position of at least two identical
containers, the support element of the first container rests
on the edge of the mouth opening of the second container
wherein at least three support elements in the form of a
bulge are formed in the bottom and side wall and protrude
15 beyond the bottom plane.

2. Container according to claim 1 wherein the bulges
protrude beyond the peripheral wall.

3. Container according to claim 1 or 2, wherein a
ring is arranged on the mouth opening, wherein the closing
20 foil is arranged on the ring and in a stacked position of two
identical containers, the support elements of the first
container rests on the ring of the second container.

4. Container according to any of the preceding
claims, comprising the at least three support elements evenly
25 distributed over the bottom.

5. Container according to any of the claims 1-4,
wherein the support element comprises a protruding rim.

6. Container according to any of the preceding claims, wherein the support element is arranged inside the produced part of the peripheral wall.

5 7. Container according to any of the preceding claims, wherein the bottom and the peripheral wall integral with the bottom are connected via a rounded off corner portion.